

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Civil Application No.107 of 2005
with
Civil Revision Appln St No 29867 of 2005

Office Notes, Office Court or Judge's Order
Memorandum of Coram
appearance, Court's
Orders & Directors
and Registrar's Order

Mr S M Railkar for applicant

CORAM; A.M.KHANWILKAR J.

DATED 16.1.2006

P.C.

. There is delay of around 60 days in the filing the revision. The reasons mentioned in the application, assuming that the delay was to be condoned without giving notice to the respondent, no fruitful purpose would be served. Inasmuch as the revision application is directed against a discretionary order passed by the appeal court condoning delay in filing the appeal. Indeed, the appeal was delayed by about 356 days. The appeal court has recorded reasons to show

indulgence in favour of the respondent. The view taken by the appeal court is a possible view. There is no infirmity in the approach adopted by the appeal court which would warrant interference at the hands of this court in exercise of revisional jurisdiction. The learned counsel for the applicant made strenuous efforts to persuade me that the finding recorded by the appeal court to answer the issue of delay in favour of the respondent is contrary to the evidence on record. I am not inclined to accept this submission after having perused the evidence on record. As mentioned earlier the order in question in revision application is a discretionary order passed by the appeal court which does not warrant interference in exercise of revisional jurisdiction. Hence revision is dismissed.